

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

060d-011

Oahu

Grant of Perpetual, Non-Exclusive Easement to the State of
Hawaii, Department of Transportation for Drainage Purposes,
Waialae, Honolulu, Oahu, Tax Map Key: 3-5-22:01 seaward.

APPLICANT:

State of Hawaii, Department of Transportation (DOT), whose
mailing address is 869 Punchbowl Street, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waialae situated at Waialae Beach
Lots, Honolulu, Oahu, identified by Tax Map Key: 3-5-22:01
seaward, as shown on the attached map labeled Exhibit A.

AREA:

To be determined by survey.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO x

CURRENT USE STATUS:

Vacant and unencumbered State public beach area.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove a drainage right-of-way over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Office of Conservation and Coastal Lands did not comment. This drainage was constructed prior to 1974, i.e. the enactment date of Chapter 343.

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Process and obtain county subdivision at applicant's own cost.

REMARKS:

During the processing of a seawall easement for a private property at the subject site, the DOT outfall portion of the drainage consisting of a rock wall channel became an issue. The drainage system on the tax map differed from a recent survey map of the private property (see Exhibit B). DOT Highways staff was contacted and it was verified that the drainage is part of Kalaniana'ole Highway improvements, identified as Federal Aid Project F-6(18), begun in the early 1950's, however the documentation did not include the rock wall channel portion of the easement that extends seaward of the private property. (The documented easement portion within the private property is labeled Easement "C".)

No request for consideration is required from another government agency.

The Department of Hawaiian Home Lands and Office of Hawaiian

Affairs replied to our request for comments memorandum indicating they had "no comments". The City and County of Honolulu, Department of Planning and Permitting responded that they had no objections to the drainage easement, however a subdivision application must be processed through their Subdivision Branch. No other agency comments were received.

RECOMMENDATION: That the Board:

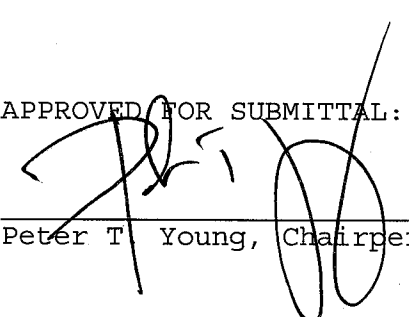
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to the Department of Transportation covering the subject area for drainage purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



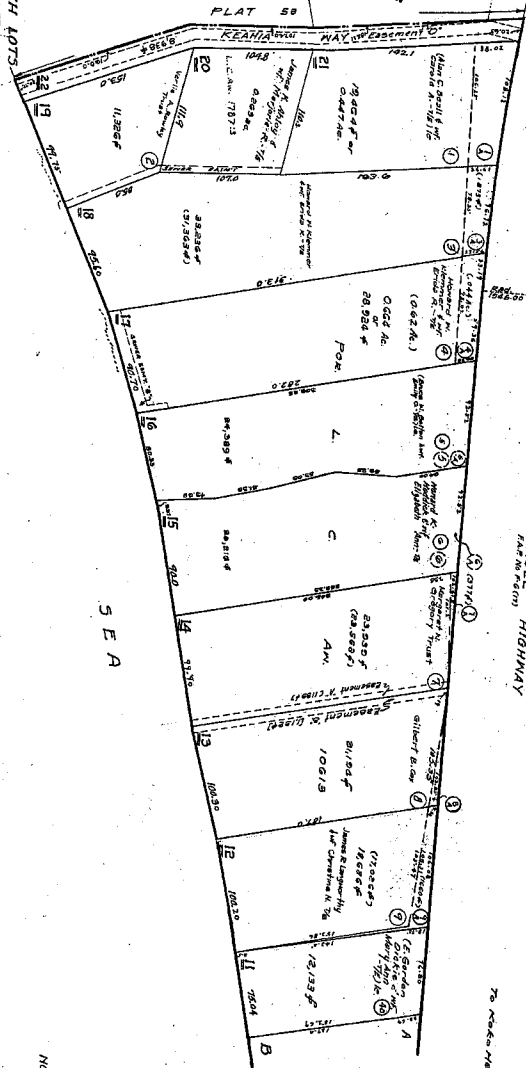
Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

Dwg. No: 1070
 By: P.R.R. 11/25
 Source: Existing Maps, Bureau

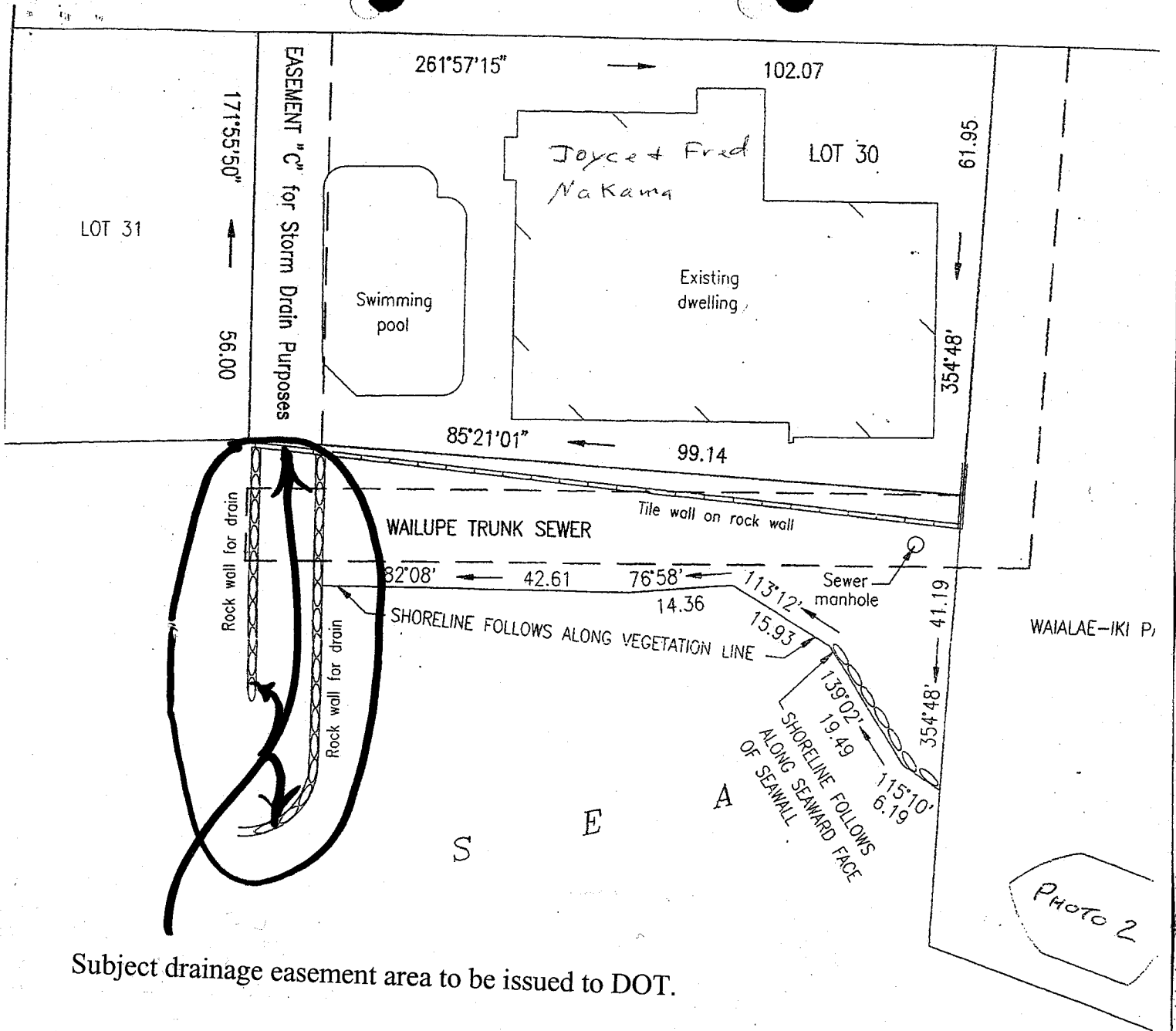
WAILALE BEACH LOTS



ADVANCE SHEET
 SUBJECT TO CHANGE
 NOTE: All lots owned by P. P. Bishop Estate, unless otherwise noted.

FIRST DIVISION	3
ZONE SEC	5
PLAT	22
CONTAINING PARCELS	
Scale: 1 in. = 50 FT	

PRINTED



SHORELINE MAP
LOT 30

WAIALAE BEACH LOTS, SECTION C

Waialae-Iki, Honolulu, Oahu, Hawaii

Date: May 21, 1996

Tax Map Key: (1)3-5-22:1

EXHIBIT "8"



This work was prepared by me
under my supervision